

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4826 of 2012**

Geetesh Kumar Sahu, aged 37 years, S/o Shri Top Ram Sahu, working as Ophthalmic Assistant (Contact Basis), at- PHC Khairkhoot, Block-Tilda, District Raipur (CG) R/o village – Guma, PO – Tendua (Tatiband), Raipur, PS. Amanaka, Raipur, District Raipur (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh through its Secretary, Department of Public Health and Family Welfare, Mantralaya, DKS Bhawan, Raipur, Chhattisgarh
2. The Director, Health Services, Chhattisgarh, H.Q. DKS Bhawan, Raipur, Chhattisgarh
5. The Joint Director, Health Services, Raipur Division, at T.B. Clinic Campus, Kali Badi, Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri R. K. Kesharwani, Advocate
For Respondent/State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****10.07.2018**

Challenge in the present writ petition is to the publication of select list and issuance of appointment order Annexures P-1 and P-2 both dated 22.09.2012.

2. The challenge to these two orders is on the ground that the petitioner's candidature has been rejected on the ground of the petitioner not having requisite experience certificate.

3. Counsel for the petitioner submits that so far as the requirement of experience certificate is concerned, the same is not reflected in the rules governing the field and the said clause has been inserted in the advertisement. Thus, the advertisement and the recruitment process are in contravention to the rule position, therefore, the impugned orders Annexures P-1 and P-2 deserve to be quashed.

4. This Court finds it difficult to accept the contention of the counsel for the petitioner on two counts; Firstly the petitioner at the threshold has not challenged the clause which now he is aggrieved off, when the advertisement which was published on 04.05.2012. The petitioner having not challenged the advertisement at the first instance, at this stage is estopped from challenging the same after being found ineligible for the post and after the recruitment process having been concluded. The second ground on which this court finds it difficult to entertain the petition is that admittedly, Annexures P-1 and P-2 have been acted upon and the persons whose name reflected in Annexure P-2 have all joined their services. In case the present writ petition for some reason has to be allowed, the consequence would be detrimental to the interest of all those persons who have been appointed vide Annexure P-2. Those persons who have been granted the order of appointment have not been made respondents in the present writ petition. Thus, the petition also suffers from non joinder of necessary party.

5. Accordingly, the present writ petition stands dismissed as not maintainable.

**Sd/-
P. Sam Koshy
Judge**